

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EVELYN YANIRA NOVOA, )  
Plaintiff, ) 4:10CV3044  
v. )  
NELNET, Inc., ) MEMORANDUM AND ORDER  
Defendant. )

A pretrial conference was scheduled to be held today at 9:00 a.m. before the undersigned magistrate judge. The plaintiff did not attend. My chambers attempted to contact the plaintiff by telephone at 9:30 a.m. at the number identified on the court's docket, but her line "has been disconnected or is no longer in service."

The same telephone message was received on Wednesday, October 13, 2010, when my chambers attempted to contact the plaintiff and remind her of her obligation to participate in preparing a proposed pretrial conference order and attend the pretrial conference. Apparently, the defendant has also been unable to locate and contact the plaintiff. See filing no. [14](#).

The court's memorandum and order dated April 2, 2010, (filing no. [6](#)), advised the plaintiff to "keep the court informed of her current address at all times while this case is pending. . ." and her "[f]ailure to do so may result in dismissal." Filing No. [6](#), p. 5-6, ¶ 7. The plaintiff has filed nothing of record after the defendant was served.

Accordingly,

IT IS ORDERED:

- 1) The plaintiff is given until November 15, 2010 to show cause why this case should not be dismissed for want of prosecution and for failing to keep the court apprised of her whereabouts. The failure to timely comply with this order may result in dismissal of this action without further notice.
- 2) The clerk shall mail a copy of this Memorandum and Order to the plaintiff at her address of record.

DATED this 15th day of October, 2010.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge